



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,188	03/17/2000	David M. Greschler	2704.1001-004	3633

23483 7590 10/27/2003

HALE AND DORR, LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,188

Applicant(s)

GRESCHLER ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's amendment filed on July 31, 2003. Claims 1-38 are presented for further examination. New claims 39-42 added by Applicant are also presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, 15, 18-19, 21-25, 34, and 37-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "server system" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 2 recites the limitation "server system" in line 11. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 3 recites the limitation "server system" in line 15. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 4 recites the limitation "server system" in line 17. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 5 recites the limitation "server system" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2157

8. Claim 6 recites the limitation "server system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 7 recites the limitation "the receipt" in line 4. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 15 recites the limitation "server system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 18 recites the limitation "server system" in line 15. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 19 recites the limitation "server system" in line 17. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 21 recites the limitation "server system" in line 5. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 22 recites the limitation "server system" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 23 recites the limitation "server system" in line 11. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 24 recites the limitation "server system" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 25 recites the limitation "server system" in line 15. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 34 recites the limitation "server system" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2157

19. Claim 37 recites the limitation "server system" in line 8. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 38 recites the limitation "server system" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

22. Claims 1-8, 10-13, 15-27, 29-32, 34-40, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al (hereinafter, "Peterson" 6,502,137).

As per claim 1, Peterson discloses a method for serving applications over a computer network from an application server system to a target computer, the method comprising:

- the target computer signaling the server system with a request for an application (abstract, col. 1, lines 18-36, col. 3, lines 15-41 and lines 55-65);
- the server system responding to the request by transferring an application descriptor to the target computer (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7);

Art Unit: 2157

- the application descriptor being read by a helper application executing on the target computer (abstract, col. 1, lines 18-36, col. 5, lines 1-8, col. 9, lines 17-67 and col. 10); and
- the helper application controlling the target computer to execute the application, which resides on the server system (abstract, col. 1, lines 18-36, col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claim 20, Peterson discloses an application serving system operating across a computer network, the system comprising:

- a target computer that requests an application (abstract, col. 1, lines 18-36, col. 3, lines 15-41 and lines 55-65);
- a server system that responds to the request by transferring an application descriptor to the target computer (abstract, col. 1, lines 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7); and
- a helper process executing on the target computer that reads the application descriptor and controls the target computer to execute the application which resides on the application server system (abstract, col. 1, lines 18-36, col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claims 2 and 21, Peterson further discloses:

- the target computer signaling the server system with the request for the application by user selection of a link, which is displayed by a browser associated with the application (col. 3, lines 55-67 and col. 4, lines 1-6).

Art Unit: 2157

As per claims 3 and 22, Peterson further discloses:

- the link containing the application identifier that identifies the requested application to the server system (col. 3, lines 55-67 and col. 4, lines 1-6).

As per claims 4 and 23, Peterson further discloses:

- the link pointing to the browser to the server system (col. 3, lines 55-67 and col. 4, lines 1-6).

As per claims 5 and 24, Peterson discloses:

- wherein activating the link triggers the downloading of the application descriptor from the server system to the target computer (col. 3, lines 15-23, lines 55-67 and col. 4, lines 1-6).

As per claims 6 and 25, Peterson further discloses:

- the server system encrypting the application descriptor prior to transmission to the target computer (col. 2, lines 30-44 and col. 9, lines 17-53).

As per claims 7 and 26, Peterson further discloses:

- invoking the helper application in response to the receipt of the application descriptor on the target computer (col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claims 8 and 27, Peterson further discloses:

- maintaining the helper application on a graphical user interface of the target computer (col. 5, lines 1-8, col. 9, lines 17-67 and col. 10).

As per claims 10 and 29, Peterson further discloses:

- issuing a command to a browser to display a follow-up page in response to termination of the application on the target computer (col. 10, lines 53-67 and col. 11, lines 1-28).

As per claims **11** and **30**, Peterson further discloses:

- the application descriptor, minimum system requirements information, which is used by the target computer to ensure that adequate system resources are available to run the application (col. 3, lines 35-42).

As per claims **12** and **31**, Peterson discloses:

- wherein the application descriptor contains transaction mode information (col. 8, lines 44-55).

As per claims **13** and **32**, Peterson discloses:

- wherein the application descriptor contains application server information indicating a host computer to which the target computer is attach to receive the application (col. 9, lines 17-67 and col. 10, lines 1-7).

As per claims **15** and **34**, Peterson discloses:

- tracking by the server system a status of the operation of the application on the target computer (col. 6, lines 15-17).

As per claims **16** and **35**, Peterson discloses:

- a failure server of the application server system receiving error log information from the helper in response to improper operation of the application on the target computer (col. 6, lines 15-17).

As per claims **17** and **36**, Peterson discloses:

- the application descriptor containing application server information indicating a host computer of application server system to which the target computer is attached to

receive the application, the host computer being selected to load-balance across the application server system (col. 3, lines 35-42).

As per claims 18 and 37, Peterson discloses:

- the target computer mounting the server system to access the application (col. 3, lines 16-24, lines 55-67, and col. 4, lines 1-6).

As per claims 19 and 38, Peterson discloses:

- the target computer accessing the server system via port 80 (col. 9, lines 64-67 and col. 10, lines 1-7).

As per claim 39, Peterson discloses a method for serving applications from an application server to a target computer over a computer network, the method comprising:

- at the application server, receiving an application request signal from the target computer ; (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7)
- responsive to the request signal, sending an application descriptor to the target computer (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7);
- receiving a run command to launch the application ; (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7)
- running the application on the application server; and (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7)

Art Unit: 2157

- serving an application window to the target computer (abstract, col. 1, 18-36, col. 3, lines 15-41, lines 55-65, col. 4, lines 64-67, col. 5, lines 1-51, col. 8, lines 19-42, col. 9, lines 17-67 and col. 10, lines 1-7).

As per claim 40, Peterson discloses:

- checking a subscriber database for customer subscription information before running the application to determine that a user at the target computer is a valid subscriber (col. 2, lines 1-4 and col. 6, lines 20-29).

As per claim 42, Peterson discloses:

- providing an application-specific user interface to the target computer (col. 4, lines 47-62).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 9, 14, 28, 33 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of de Hond.

As per claims 9 and 28, Peterson discloses the invention substantially as claimed.

Even though Peterson discloses a helper application within the client computer allowing the user to view video received over the Internet it obvious that the helper application can be used to assist the user in viewing any information over the Internet. However, as far as the helper

Art Unit: 2157

application being used to display advertisements to the target computer, Peterson does not explicitly disclose these features.

de Hond discloses a system comprising a helper application that is used to display advertisements to the target computer (col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9, col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the art to modify Peterson by specifying that helper application within the client system can display advertisements allowing the user to view advertisements being displayed the browser.

As per claims **14** and **33**, Peterson discloses the invention substantially as claimed.

However, Peterson does not explicitly disclose:

- wherein the application descriptor contains advertisement information indicating a host computer to which the target computer is attach to receive advertisements.

de Hond discloses a system comprising:

- wherein the application descriptor contains advertisement information indicating a host computer to which the target computer is attach to receive advertisements (col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9, col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the art to modify Peterson by including advertisements in the application descriptor allowing the user to view advertisements being displayed the browser.

As per claim **41**, Peterson discloses the invention substantially as claimed.

However, Peterson does not explicitly disclose:

- sending an advertisement message from the application server to the target computer.

de Hond discloses a system comprising:

- sending an advertisement message from the application server to the target computer
(col. 2, lines 45-67, col. 3, lines 1-4, lines 18-48, col. 5, lines 52-67, col. 6, lines 1-9,
col. 8, lines 31-67, and col. 9, lines 1-6).

Given the teaching of de Hond, it would have been obvious to one of ordinary skill in the art to modify Peterson by sending advertisements to the target computer allowing the user to view advertisements being displayed the browser.

Response to Arguments

25. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following factual arguments:

(a) Li does not teach or suggest receiving an application descriptor at the client computer, but rather loads the actual application program itself for execution on the client.

(b) Dale does not teach or suggest a helper application that controls a target computer to execute an application, which resides on a server system. By contrast, the software components of Dale are distributed throughout the network infrastructure and do not reside in one place (the server).

(c) First, no motivation to combine Li and Dale exists in the references. The fact that they are both generally directed to the field of computer software in networked environments does not

Art Unit: 2157

provide sufficient motivation to combine the references in the way suggested by the Examiner.

Therefore, no prima facie case of obviousness has been made to support the claim rejection.

(d) Even if Li and Dale were modified and combined as suggested in the Office Action, the result would not provide the claimed, “target computer signaling the server system with a request for an application descriptor to the target computer; the application descriptor being read by a helper application executing on the target computer; the helper application controlling the target computer to execute the application, which resides on the server system.” Claim 1. Also, the suggested combination would not provide a “target computer that requests an application; a server system that responds to the request by transferring an application descriptor to the target computer; a helper process executing on the target computer that reads the application descriptor and controls the target computer to execute the application, which resides on the application server system.” Claim 20. Therefore, Applicants’ Claims 1 and 20 distinguish over Li and Dale, whether taken separately or in combination. Applicants’ respectfully request that the prior art rejection of the claims be withdrawn and the claims be allowed.

(e) The passage of Rogers cited in the Office Action is merely directed to CGI scripts for counting the number of “hits” in a Web page inquiry situation. There is no suggestion or disclosure therein regarding the claimed “failure server of the application server system receiving error log information from the helper application in response to improper operation of the application on the target computer.” Claim 16 [35]. Therefore, the rejection is improper and should be withdrawn and the claims should be allowed.

Art Unit: 2157

(f) Since the cited reference do not teach or suggest that sending an application descriptor, receiving a run command, or serving an application window to the target computer, the claim patentably distinguishes over the references.

In considering (a)-(f), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,928,330 to Goetz et al

U.S. Pat. No. 6,360,366 to Heath et al

U. S. Pat. No. 5,978,828 to Greer et al

U.S. Pat. No. 6,247,013 to Morimoto

U.S. Pat. No. 6,421,726 to Kenner et al

U.S. Pat. No. 5,737,619 to Judson

U.S. Pat. No. 5,572,643 to Judson

U.S. Pat. No. 5,930,792 to Polcyn

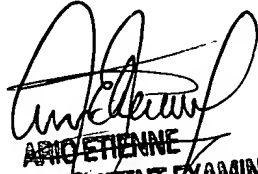
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
October 3, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100